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Special Political and Decolonization Committee
Fourth Committee

Summary record of the 4th meeting
Held at Headquarters, New York, on Wednesday, 4 October 2017, at 3 p.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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The meeting was called to order at 3.10 p.m.

Agenda item 62: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/72/23 (chaps. VIII, IX, X, XI and XIII), A/72/74 and A/72/346)

Hearing of representatives of Non-Self-Governing Territories and petitioners (*continued*)

1. **The Chair** said that, in accordance with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of Guam (*continued*) (A/C.4/72/4)

2. **Mr. Tom** (Pacific Islands Students Association of Diablo Valley College, California) said that the Chamorro people had cultivated and cherished their land for more than four thousand years. At the hands of foreigners, that land had undergone irreversible changes. The United States Government sought to deprive Chamorros of their native territory and perpetrated other assaults on their rights and natural resources. Sacred lands had been taken, not given, and had been transformed beyond all recognition by forms of development alien to his people. Thousands of Chamorros had been forced off their lands by the United States military, in the aftermath of the Second World War, and landless Chamorros continued to suffer from that historical injustice.

3. The United States had recently filed a lawsuit that sought to erase the rights of the indigenous people of Guam, who were constantly expected to submit to decisions taken by its Federal Government, while having no voice and no rights. The Chamorro Land Trust Commission had been created to provide leases to landless Chamorros, and a mere 15 per cent of the island's 212 square miles had been set aside for that purpose. The native inhabitants of Guam should not need the approval of the United States Government to use lands that were rightfully theirs. The Committee should organize a visiting mission to Guam in order to meet with the Chamorro people and learn more about their struggles. The United Nations needed to engage more directly with the people and educate the Chamorros on what it meant to have the power of self-determination.

4. **Mr. San Nicolas**, speaking in his personal capacity as a student from Guam, said that, too often, opportunities to pursue scientific studies were denied to people in Guam because of distance and the infrastructure of colonization. Indeed, colonization was an experiment that would not meet with approval in current times. His people were the laboratory rats in that experiment. The power of his people was often underestimated, but he believed that they were capable of achieving great things. The Committee had the power to enable them to walk unshackled into a bright future. He urged the Committee to believe in the infinite potential of the people of Guam.

5. **Ms. Arroyo** (University of San Francisco Pacific Islander Collective) said that she had been shocked when visiting an ancient Chamorro village on Guam to discover that she needed a military identification badge to visit the home of her ancestors. Many of the arable lands had been taken by the administering Power for use as military bases, leaving the people without ways to survive. Many had enlisted in the United States military and had become dependent on the benefits of service. Forcibly displaced from their land, people had been driven into poverty. United States militarization and occupation had prevented Chamorros from connecting spiritually to their history and many had been forced to relocate to other regions.

6. The quality of health care in Guam was a disservice to Chamorros, and their dependence on Western medicine had disconnected them from their native ways. Militarization threatened their access to the medicinal plants used by their ancestors. The Chamorros were unable to return to their indigenous practices because of the destruction caused by the administering Power. The only way of learning their history was through their elders, but the Chamorros could not thrive as a nation when they were a shrinking minority in their motherland.

7. It was imperative for the United Nations to send a visiting mission to Guam to engage the United States in decolonization. She would support a draft resolution on Guam that included language condemning the serious damage that would be caused in the northern part of Guam by United States plans to build facilities and firing ranges for the Marines. The United States intended to destroy one thousand acres of limestone forest, prevent access to sacred sites and contaminate the island's main source of drinking water without the consent of the islanders. She urged the Committee to take a strong position against those destructive plans, which violated international law.

8. **Mr. Petersen**, speaking in his personal capacity as a professor at the City University of New York, said that he had studied issues of self-determination and independence in relation to the United States Pacific

island possessions. At the end of the Second World War, after seizing the Japanese-mandated islands, the United States had insisted that those islands should be under its permanent control. Instead of pursuing that objective in the Trusteeship Council, it had done so in the Security Council, where it had a veto. It was only the tenacity of the Fourth Committee and later also of its subsidiary body that had enabled the Micronesian peoples of Palau, the Marshall Islands and the Federated States of Micronesia to fight successfully for independence.

9. As a representative of the Federated States of Micronesia, he had attended numerous meetings at the United Nations and had asked United States representatives to explain the reasons for some of their positions. They had replied that they were merely following instructions received that morning from the State Department in Washington. The United States had no concept of what it was doing regarding Territories and indigenous peoples. The Micronesians, on the other hand, had extremely clear plans, particularly with regard to land and strategic location. Micronesians had observed that Hawaiians had become marginalized and disenfranchised in their own country after losing control of their lands. Determined not to suffer the same fate, they had resisted the pressure from the United States for permanent access to Micronesian lands. Since Micronesia had been the site of many battles in the Second World War, the people were adamant that their islands would not be destroyed again. They had rejected the offers of protection from the United States, pointing out that the only reason they had anything to fear was because of the very presence of the United States. Guam was in exactly the same position as those islands.

Question of New Caledonia (A/C.4/72/5)

10. **Mr. Germain** (President, Government of New Caledonia) said that, following the entry into force of the Matignon Accords, which had paved the way for 30 years of peace, collaboration and economic and social development, the political rebalancing and redistribution of constituencies had boosted the representation of pro-independence sympathies within provincial institutions, as well as in the legislative assembly and the government. At the budgetary level, the two pro-independence provinces received half of allocations, although they accounted for only a quarter of the population.

11. The Nouméa Accord was well on the way to implementation. France maintained responsibility mainly for foreign affairs, judicial affairs, defence, public order and currency. Yet even there New Caledonia played a certain role: it could join international organizations, have representation and conclude agreements; it had judicial powers under customary civil law and could promulgate laws; and Caledonians were being integrated into the police forces. Along with the transfer of powers, France paid financial compensations equivalent to 25 per cent of the Territorial budget.

12. Under Caledonian authority over the economy, readjustment strategies in North Province and Loyalty Islands Province had included the acquisition of a 51 per cent share in the largest nickel-mining company in the country and the redistribution of over half the available private land to the Kanak clans. The GDP had risen by 250 per cent to become the highest in the Pacific region after that of Australia and New Zealand, and the employment rate had doubled. Caledonians now had priority in employment and the minimum wage had been doubled. Nevertheless, nearly one fifth of Caledonian families were still living below the poverty level. Therefore, a vast social protection plan had been put in place and progress had been secured, notably in health and education. A Caledonian education project, established in 2016, addressed the needs of young people who had emerged from the school system without qualifications.

13. The three nickel plants in New Caledonia were surviving the global nickel crisis thanks to massive loans and facilities granted by the French Government. His own government had launched an economic diversification plan to support agriculture, tourism, renewable energies, exports and innovation. Steps were being taken to control inflation and increase economic competitiveness. Two major tax reforms had also been introduced.

14. New Caledonia had made its own commitments relating to the Paris Agreement under the United Nations Framework Convention on Climate Change, aiming to achieve exclusive reliance on renewable energy sources by 2030, and had drawn up a plan for the conservation and sound development of its entire exclusive economic zone, which was listed as a national park.

15. Regional integration was a cornerstone of the emancipation and development of New Caledonia, which had full membership in the Pacific Islands Forum and was currently chairing the Conference of the Pacific Community. Later that month, it would be presenting itself as a candidate for membership in the United Nations Educational, Scientific and Cultural Organization. Bilateral relations were the second pillar of the government's strategy, and cooperation agreements had been signed with Australia, Fiji, Papua New Guinea and Solomon Islands. The economic

integration of New Caledonia into the region remained a third goal.

16. In preparation for the 2018 referendum on self-determination, the Committee of Signatories to the Nouméa Accord had agreed to allow the automatic registration of Caledonians on the special electoral list, with the exception of persons, whether Kanak or non-Kanak, whose names had not appeared on any prior general electoral list. Legal solutions to that problem had since been identified so that they could be included as well. To date, approximately 95 per cent of the population had been registered.

17. He expressed appreciation to the Committee and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) for their benevolent and effective commitment over the years and assured them that his government would be at the disposal of the United Nations in organizing the 2018 referendum.

18. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that the 2018 referendum should be free, fair and conducted in accordance with the Charter of the United Nations. The Special Committee's electoral observer mission had in 2014 confirmed his political party's doubts concerning the sincerity of the French mechanism for establishing electoral lists. The parties should be held to their obligations under the Nouméa Accord, and the Special Committee should visit New Caledonia prior to, during and after the 2018 referendum. The mission of the United Nations Electoral Assistance Division should also be pursued.

19. The political objective of FLNKS was full sovereignty for Kanaky/New Caledonia and the establishment of a new democratic, secular, multicultural and solidarity-based State in the Pacific. His party would continue to engage in repeated consultations with the public at the most local levels to broadcast its vision of an independent State, while at the same time lobbying for it regionally and in Europe.

20. The Nouméa Accord was not always respected. The transfer of power continued to encounter real obstacles and natural resource management continued to serve foreign interests. Serious governance problems persisted, with the current government caught up in the battle for positions within the new nation. The dialogue between the stakeholders on the country's accession to full sovereignty was in abeyance.

21. He relied on the firm commitment by the United Nations over the following months to re-establish the proper implementation of the Nouméa Accord and to bring to fruition resolution 65/119 relating to the Third International Decade for the Eradication of Colonialism.

22. **Mr. Rivero Rosario** (Cuba), referring to the problem with the electoral lists and the mission undertaken by United Nations experts to look into the matter, asked whether the lists had since been updated or corrected.

23. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that the problem of the 20,000 Kanaks who were not registered as voters had not yet been resolved, hence the request for United Nations assistance in the discussions with the administering Power to ensure that the vote would be unimpeachable.

24. **Mr. Wamytan** (Groupe Union calédonienne (UC)-Front de libération nationale kanak et socialiste (FLNKS) et Nationalistes, Congress of New Caledonia) said that, with the referendum on accession to full sovereignty due to take place in a year's time, it was necessary for the United Nations to consider how the United Nations resolutions on the right of peoples to self-determination had been applied in New Caledonia, and to assess the extent to which France, the administering Power, had prepared the colonized Kanak people and other communities that shared their destiny to take part freely, genuinely and transparently in the 2018 referendum. The Plan of Action for the Second International Decade for the Eradication of Colonialism had instructed administering Powers ensure that any exercises of the right to self-determination were not affected by changes in the demographic composition of the Territories under their administration as a result of immigration or the displacement of the peoples of the Territories. That obligation, however, had clearly not been respected in the case of New Caledonia, since the settlement policy and voting criteria had made the Kanaks a minority in their own country.

25. Voting requirements had been the subject of interminable debates for decades. As a major political concession, FLNKS had, under the different political accords, agreed to recognize the rights also of new arrivals in the Territory. That recognition, albeit restrictive in terms of length of residence, had made it possible to consolidate the Caledonian people over time, without allowing it to evolve indefinitely lest that disrupt the architecture of the different accords.

26. Unfortunately, recurrent attempts to override the political and constitutional constraints had exacerbated tensions between Kanaks and non-Kanaks. A case in

point was the plight of the 22,780 Kanaks identified as unregistered, who, as a result, would not be able to exercise their right to self-determination. The manipulation, exploitation and trickery deployed in the current battle of numbers could sway the results of the 2018 referendum in either direction. The administering Power, having pursued a settlement policy intended to change the demographic composition of the Territory, had failed to respect its obligations and created a potential source of violence and instability that could disrupt the conduct of the referendum. France, which since the end of the Second World War had held a disproportionate but real influence within the United Nations, had the ability to address the matter seriously. More recently, President Macron had declared that colonialism was a crime against humanity. The right of the Caledonian people to dispose of their own future could not be sacrificed to the higher interests of France. The exercise of the right to self-determination was too precious an asset for Caledonians to allow the administering Power alone to be in charge. Oversight and support by the United Nations were vital at that crucial juncture.

27. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) asked when would be the most appropriate time for a United Nations visiting mission to travel to New Caledonia to assist in the preparations for the referendum and how it could effectively help to guarantee the participation of the Kanak people in the referendum.

28. **Mr. Wamytan** (Groupe Union calédonienne (UC)-Front de libération nationale kanak et socialiste (FLNKS) et Nationalistes, Congress of New Caledonia) said that a Special Committee mission would be needed at the beginning of 2018 to supervise the process at the organizational stage, followed by a mission of the United Nations Electoral Assistance Division to help establish the electoral lists. The people, especially the Kanaks, would find their presence reassuring, knowing that the necessary steps would be taken to ensure that they were definitively registered on the lists. He himself would be travelling shortly to Paris to hold discussions with representatives of the French Government.

29. **Ms. Machoro** (Comité Verité Justice de Kanaky) said that her father, Eloi Machoro, a pro-independence Kanak leader of FLNKS, had been assassinated by French police in 1985. In a quest for truth and justice, the Comité Verité Justice had been founded in 2011 by the families of all the pro-independence leaders, whom she cited by name, who had been assassinated between 1980 and 1989.The list of suspicious deaths during the period of Kanak insurrection against French colonialism was much longer. Indeed, the colonial State had dealt summarily with those who wished to follow the path to independence. All those deaths had been covered by an amnesty — proving that France was in fact responsible — which drew a veil over their circumstances and precluded any lawsuits. Since 2012, her organization had made repeated requests, to no avail, for the files covered by the amnesty to be reopened.

30. The Comité Vérité Justice had the right to know the truth. She had come before the Committee seeking justice and requesting its support in obtaining from the administering Power the release of the secret documents in question. Although the focus in New Caledonia was on reconciliation and a common destiny, no reconciliation could be achieved without veracity and justice. The truth about the political assassinations in Kanaky must be revealed and the honour of the victims restored.

31. **Mr. Yanno** (Mouvement populaire calédonien), speaking as an opponent of independence from France, said that four anti-independence groups had joined forces to ensure a future of peace for Caledonians within France beyond 2018. The great majority of Caledonians wished to remain French. Although almost 30,000 Caledonian electors out of a total of 190,000 would be unable to vote as a result of reciprocal concessions, all observers recognized that the majority of New Caledonians were not in favour of independence. The independence of New Caledonia was not inevitable. The referendum must be conducted in a transparent, fair and legitimate manner so that the result would be indisputable. Contrary to what certain pro-independence leaders claimed, the electoral lists in New Caledonia had not been rigged and were free from irregularities. The United Nations observers serving on the committees drawing up those lists could attest to their legitimacy. They should remain as observers until completion of the definitive lists as well as in the run-up to and the conduct of the 2018 referendum.

32. New Caledonia was a special case among the Non-Self-Governing Territories. Indeed, although the two sides were political adversaries, they had been partners in two successive agreements: the Matignon Accords and the Nouméa Accord; and the hope was that they would continue to forge a common future together.

33. **Ms. Boewa-Mi** (Tous calédoniens) said that, as a Caledonian woman of mixed Melanesian and French blood, she was proud and happy to live with two cultures. France guaranteed peace and harmony between the communities in New Caledonia and even within the tribes, and it upheld human rights, justice and equal treatment. The French social model provided a good quality of life, health care, low-cost public housing for

those most in need, and pensions. Free education patterned on the French system up to the university level afforded access to high-level positions.

34. New Caledonia had a very small population and would be unable to ensure its own defence or to protect its inhabitants against threats such as terrorism or climate change. Forced to appeal to other countries, it would become dependent once again, and inter-ethnic tensions would be out of control. The different points of view of pro-independence and anti-independence groups must be respected, and would be given voice in the coming referendum. Independence was a romantic notion and one without any solid foundation. The well-being of the population should not be sacrificed for that ideal and the advantages of Caledonians under the current arrangements should not be abandoned for an uncertain future. Decolonization could be achieved without independence.

Question of Western Sahara (A/C.4/72/7)

35. **Mr. Rosemarine**, speaking in his personal capacity as an international law specialist, said that the Moroccan autonomy proposal was fair and flexible since it offered a large degree of self-determination for the Saharan people, with emphasis on negotiation with all parties. It was also far-sighted, as its aim was to build a democratic society based on the rule of law, guaranteed freedoms and development. The Saharan people would hold leading positions in the institutions of the region and would have the financial resources they needed. Morocco could most definitely be trusted to deliver on its proposal. The Government had responded to the Arab Spring by adopting lasting democratic reforms and boosting economic growth, all of which had been achieved without bloodshed. Citing the example of the prospective break-away of the United Kingdom from the European Union, which the majority of British citizens recognized as potentially disastrous for their economy, he warned that Western Sahara with its tiny population and minute economy would be at even greater risk of destabilization, all the more so since the region was dominated by fanatical militias and ravaged by civil wars.

36. **Ms. Scholte** (United States-Western Sahara Foundation) said that the Sahrawis of Western Sahara were a people of integrity and honour who had faith in the guiding principles of the United Nations. Supporters of self-determination for the Sahrawis were those who believed in the Universal Declaration of Human Rights. Those who supported the position of the King of Morocco were either ignorant of the facts or were coerced or bribed by the Government, which financed outlandish propaganda to conceal the truth and obstruct progress on the issue. Contrary to Moroccan assertions that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) engaged in terrorism, the Sahrawis, despite atrocious human rights violations by Morocco against innocent men, women and children, had never resorted to terrorism and had continued to abide by the terms of the ceasefire.

37. Failure by the United Nations Mission for the Referendum in Western Sahara (MINURSO) to fulfil its mandate and also to monitor respect for human rights by both sides had led to many tragic events. Sahrawis in Moroccan-occupied Western Sahara faced torture, imprisonment and disappearances. Most Sahrawis had lived in squalid refugee camps in Algeria since 1975, and some had never seen their homeland. The United Nations rewarded invasion, aggression and violence. The situation of Western Sahara remained unacceptable. Having failed to hold a referendum, the United Nations must call on the King of Morocco to end his country's illegal occupation of Western Sahara.

38. **Mr. Lippiatt** (WE International, Inc.) said, as a human rights activist familiar with the Tindouf camps, that the Sahrawis, far from being terrorists, wished only for a peaceful resolution so that they could return to their homeland. They needed protection from the calculated human rights violations committed by the Government of Morocco. Their right to self-determination was recognized by the International Court of Justice, the African Union and over 70 sovereign States. He urged the United Nations to mandate human rights monitoring in Western Sahara by MINURSO and to bring about the long-promised referendum for the independence of the Territory. The human rights mechanisms in Morocco could not and would not achieve impartial monitoring and had constantly failed the Sahrawi people.

39. Although it was a party to several international human rights instruments, the Government of Morocco did not observe its legally binding obligations. The creation of the Moroccan National Council on Human Rights was a farce and a sham. There was no freedom of assembly in the heavily-policed Territory, and Sahrawis were tortured, held in secret detention centres, denied jobs and education and prevented from practising their traditional nomadic lifestyle, as MINURSO staff looked on indifferently, in silent witness. The rejection of independent human rights monitoring by the King of Morocco was tantamount to an endorsement of the human rights violations.

40. The international community had the responsibility to ensure that international law was respected and that the United Nations decolonization process, centred on the promised referendum on self-determination for the

people of Western Sahara, was taken to its logical conclusion.

41. **Mr. Gherieb** (École nationale supérieure de sciences politiques, Algiers) said that the Sahrawi people had the right to justice. Colonization in Western Sahara, the last colony in Africa, must be brought to an end. Forty-two years after the Moroccan invasion, the Sahrawi people were still waiting for the promised referendum to take place. Despite all the efforts of the United Nations and the Secretary-General, Morocco was not living up to its obligations. Clearly, Morocco had learned from its former colonialist master, given the way it operated in the occupied Territory. Furthermore, the people living in the refugee camps were not treated with respect. The international community had not yet fully understood the situation of the Sahrawi people. A security embargo had been imposed as well as an economic embargo, and MINURSO had been unable to ensure respect for human rights or to organize the referendum. The Sahrawi people called for their independence as a matter of urgency.

42. **Mr. Taleb** (Youth for Youth Development) said that he had been born and raised in the Tindouf refugee camps. His family had fled their home in occupied Western Sahara after Moroccan forces had bombed them with the internationally banned substances, napalm and phosphorus; they had found refuge in Algeria, whose noble and courageous support of his people against the Moroccan attempts to exterminate them deserved international acclaim.

43. He commended the United Nations for its legal recognition of the issue as a matter of decolonization and an occupation problem. All that was left to do was to deal with the issue under Chapter VII of the Charter of the United Nations, ensuring that all the members of the Security Council, France included, respected it instead of backing an invader regime such as Morocco by vetoing any resolution that included a human rights mandate for MINURSO. The Moroccan occupation of Western Sahara had resulted in a massive violation of human rights, amply documented by African and international human rights organizations. Since its invasion, Morocco had continued to exploit the natural resources of Western Sahara, notably fisheries and phosphates. Its occupation was a grave crime and was a major impediment to the realization of the Sahrawi people's inalienable right to self-determination and independence. MINURSO, with a staff of 300, was receiving an annual budget of 56 million dollars for doing nothing, having failed to organize a referendum or to monitor human rights in Western Sahara. The 200,000 Sahrawi refugees, instead, were in desperate need of funding.

44. The Sahrawis were a peaceful people. Their hope was that a peaceful solution would lead to restitution of their rights over their homeland. After 42 years of exile under harsh conditions, however, their patience was running out. The current stalemate and the weakness of the United Nations could lead to the outbreak of war with unknown repercussions. Determined to fight for their independence using all legitimate means, they would die free, if that was the price they had to pay for freedom and dignity.

45. **Ms. Stame** (Internazionale femminile democratica di centro), relating the story of a young Sahrawi girl from the Tindouf camps who had been adopted by a Spanish family, said that, while on a return trip to the camps to visit her biological family, she had been kidnapped by Frente Polisario militia. After two years of struggle for her liberation, her adoptive father had learned that she was being held against her will under close watch. Forced into an involuntary marriage, the girl had attempted suicide just two months earlier.

46. Even the efforts of the Government of Spain for her release had been rejected, for the leaders of the Frente Polisario did not wish to set a precedent, knowing that at least 150 other Sahrawi girls were in the same situation. If the girl were to attempt suicide again, the international community could not claim ignorance. That was how the Frente Polisario and its protectors were enforcing freedom of movement and respecting human rights.

47. **Mr. Ahmed** (Sahrawi Association USA) said that his NGO, the first representing the Sahrawi people of the diaspora, sought to educate the American people on the struggle of the people of Western Sahara and to hold those complicit with the Moroccan occupation accountable. After 42 years of occupation, Morocco continued to commit grave human rights violations, including inhumane detentions, torture, and killings. The politically motivated trial of the Gdim Izik activists had shown the true face of the Moroccan Government. Freedom of speech was being denied and independent Sahrawi voices silenced under a regime of fear; and the Territory's natural resources were being exploited, denying the Sahrawi people control over their homeland.

48. Despite countless Security Council resolutions calling for the right of the Sahrawi people to self-determination, Morocco and its powerful allies such as France had ignored or undermined every effort for a peaceful resolution. They had persistently impeded the conduct of the referendum agreed to since 1991 by the United Nations, which would allow the Sahrawi people

to choose between full independence or integration with Morocco.

49. Western Sahara was torn between hope in the fairness of international law and despair in the face of world apathy. Angry and frustrated with the lack of progress, most Sahrawi young people viewed the resumption of war as the only way out of the stalemate. They needed tangible actions and true commitments from the Security Council. If the United Nations seemed reluctant to follow through on the referendum plan, it was largely due to a lack of will on the part of the Member States.

50. France should stop undermining the efforts of the Committee. The Committee, for its part, should establish a human rights mechanism to grant the people freedom of speech. Morocco and all concerned parties must come to the negotiation table with a sincere political will and a true belief in peace and justice.

51. **Ms. Basinet**, speaking in her personal capacity, said that she sought to defend Sahrawi intellectual property and to denounce media bias or outright falsity that diverted attention from the real issues. For nearly two decades, the Sahrawis had been ignored by a rigged global media system which catered to 1 per cent of the world's population at the expense of the remaining 99 per cent. The Sahrawis should be prized and protected for they stood out as an example to the world in their quest for self-determination and a peaceful resolution of the conflict. Displaced societies demonstrated determination and resourcefulness and possessed a wealth of knowledge. The international community should safeguard the intellectual property of the Sahrawis, often their only possession, protect their resources and support them on their path to self-determination.

52. **Ms. Thomas**, speaking in her personal capacity as a lawyer, said that while Moroccans in Western Sahara had prospered over the preceding fifteen years, the Sahrawis, both within the Territory and in the camps at Tindouf, continued to languish under deplorable conditions. The only solution lay in holding the referendum promised to them years earlier. As the legal affairs officer in MINURSO in the 1990s, when the United Nations had attempted to implement the referendum, she had participated in identifying the persons eligible to vote in accordance with the criteria agreed by the parties. However, shortly after the list of eligible voters had been published in 1999, Morocco, whose attempts to pad the voters' list with unqualified applicants had failed, had decided to pull out of the referendum process, realizing that if a truly fair referendum were held, it would probably lose. Shamefully, the United Nations had allowed it to do so rather than uphold the rights of the Sahrawis under international law and their ceasefire agreement. The claim by Morocco that the referendum had been cancelled because of technical reasons or insurmountable disagreements over eligibility criteria was simply a lie.

53. It was not too late. The United Nations could still hold a referendum. No technical, logistical or legal reason existed to prevent it. All that was necessary was the willingness of the United Nations to stand up once and for all to the intransigence of Morocco. She urged the members of the Committee to have the courage to do that.

54. In response to the statement of the first speaker on the question, she said that since Morocco had not honoured any of the promises it had made in the past to the Sahrawis, the latter might have little faith in those contained in the autonomy proposal. Indeed, they would be foolish to accept any Moroccan promises.

55. **Ms. Lenz** (Not Forgotten International), referring to her experience of life in the Sahrawi camps, where her organization had had a permanent presence over the past two decades, said that the Sahrawis had created a place of refuge in the vast, harsh, barren Sahara Desert. Their human spirit remained vibrant, despite the trauma and horrors of war they had lived through, their displacement by a military invasion and their abandonment by those nations that were responsible. Sounds of life were all around: the men created jobs for themselves while the women showed great dignity, courage and resourcefulness in caring for their families. Weddings and births were exuberantly celebrated while deep grief was shared as loved ones were buried in ground that was not their homeland.

56. Any stranger or friend was welcomed with the traditional three rounds of tea and honest conversation. Despite betrayal by governments and broken promises, the Sahrawi showed honour towards one another and respected human value. The ancient values of their Bedouin heritage were in evidence: patience, hospitality, generosity and the desire to please the God Who had preserved their existence.

57. During her initial visit to the refugee camps in 1999, she had been approached by a United Nations staff member recording names of qualified voters for the intended referendum. She wondered why, in the following two decades, she had never seen any further evidence of United Nations efforts to promote the referendum in the camps. She urged the Committee to give the Sahrawis their vote.

58. **Ms. Njapau**, speaking in her personal capacity, said that it was historically incorrect to frame the question of Western Sahara as a decolonization matter. Rather it should be understood as a relic of the cold war and the ideological divide between East and West. It should be seen in the context of the unique decolonization of Morocco itself, which, having been divided between two colonial Powers, had begun to recover its territories only gradually after independence, the last one being its Sahara region, following Spain's eventual withdrawal in 1975. No one had opposed the national recovery of any of the other parts of the former Spanish Sahara, until it had come to that last southern region. The local population of Western Sahara had spoken in favour of the autonomy proposal put forward by Morocco. She hoped that the newly appointed Personal Envoy of the Secretary-General for Western Sahara would lead the parties towards the negotiation of a political solution based on that proposal.

59. Resolving the Western Sahara dispute would be of paramount importance for peace and security in Africa, and would remove a major impediment to the integration and development of North Africa. Morocco was to be congratulated on its return to membership in the African Union.

60. **Ms. Lourenço** (Fundación Sahara Occidental), speaking as a human rights activist, said that Morocco was an illegal occupier. There was no doubt about the serious violations of the most basic human rights of the Sahrawis under occupation or the suffering of the refugees in the Tindouf camps for over forty-one years, or about the mined separation wall, the plunder of natural resources that had impoverished the Sahrawis, or the change in the Territory's demographics with the introduction of hundreds of thousands of settlers. Morocco did not want a referendum because it knew it would lose. It had proposed an autonomy option because it desperately needed Sahrawi resources to survive.

61. The political trial at which the Sahrawi Gdim Izik political prisoners had been sentenced to life in prison had not presented any evidence of crimes or violence other than documents signed under torture and the testimony of torturers. A number of those prisoners were currently on hunger strike and, in a clear violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), had been placed in seven different prisons.

62. Detailing the heinous torture techniques applied by the Moroccans to the Sahrawi prisoners, and their history of killings and abductions, she said that the fault of the Sahrawi people was to have believed that the ceasefire they had signed in 1991, under the auspices of the United Nations, would be respected. The Sahrawis had never resorted to violence but were waiting patiently for the referendum. The Kingdom of Morocco, however, respected neither the ceasefire nor the numerous international covenants it had ratified. The Sahrawis were an example to the world of peaceful resistance but were being punished by the silent complicity and inaction of the international community and its failure to protect them or their rights.

63. **Ms. Ouled**, speaking in her personal capacity as a lawyer and member of the French Bar, said that international humanitarian law, especially under the Fourth Geneva Convention, prohibited the worst things that human beings could perpetrate in order to protect individual victims. Every day, however, the Kingdom of Morocco violated international humanitarian law with impunity. Western Sahara was occupied by Morocco. That was an objective fact. That occupation was inadmissible; and anyone attempting to defend it should be reminded of how founding myths were used to justify crimes against humanity.

64. By refusing the term "occupation", Morocco refused to apply international humanitarian law, perhaps because it feared that the application of the Fourth Geneva Convention would call into question the myth that Western Sahara had belonged to it from time immemorial. The Moroccan stand harked back to earlier times when force took precedence over law. International humanitarian law could not be subject to the goodwill of each party to a conflict and subordinate to State interests, for its purpose was, precisely, to protect the individual against the State.

65. As a defence lawyer for the 24 Gdim Izik activists and supporters of Sahrawi self-determination who had been detained for over seven years following the dismantling of the Gdim Izik camp, she wished to report that her clients had requested the application of the Fourth Geneva Convention, which prohibited, among other things, transfer outside the occupied Territory and rape.

66. **Ms. Smith** (The Potomac School), speaking on the basis of her experience as a high school student working with the Sahrawis in Tindouf, Algeria, said it was immoral that the world should stand by while the Sahrawi refugees were living at bare subsistence level despite their extremely progressive culture. The time had come to resolve the question of Western Sahara as the number of refugees worldwide was unprecedented while the resources to provide for them remained the same.

67. The Sahrawi refugee dilemma had a clear and feasible solution. The Charter and numerous resolutions

of the United Nations upheld the right to self-determination of the Sahrawi people. Yet despite the creation of MINURSO and repeated promises, no referendum had been held, and families remained divided. Morocco and its illegal occupying forces should not be allowed any longer to keep the international community from recognizing the rights of the Sahrawis. The freedom of the Western Sahara should be foremost among United Nations priorities. While the process of liberation might be arduous, immediate action to ensure fulfilment of the MINURSO mandate was crucial to protecting the rights of the Sahrawis, realizing the international community's commitment to their self-determination, and restoring the credibility of the United Nations.

68. **Ms. Warburg** (Freedom for All), said that her organization could attest, from its frequent visits to Western Sahara, to the substantial Moroccan investment in infrastructure, amenities and people in the Territory and to consistent progress in human rights and economic, judicial and social reforms there.

69. On the other hand, the refugees confined in the Tindouf camps continued to suffer from food shortages and increasing levels of malnutrition, the consistent denial of their basic human rights, and the misappropriation of humanitarian aid by the Frente Polisario. A census and the registration of the Tindouf population were imperative to determine the precise number and needs of the people and to counter the theft of aid. The quality of education in the camps was also poor; in the absence of secondary schools, a few privileged young people studied in Algiers or abroad and many were reluctant to return to Tindouf. Indeed, the representative of the Frente Polisario in Cuba had recently requested that the medical diplomas obtained by Sahrawi graduates in that country should be sent to Tindouf to ensure that the graduates would return to the camps. Disaffection with the Frente Polisario was widespread and the limited future prospects had driven many young Sahrawis to join terrorist organizations or the Algerian Army. Drug smuggling by the Frente Polisario was causing deadly battles between rival factions in which women and children had been victims.

70. Her organization believed that the Moroccan autonomy proposal for the Territory could resolve the conflict, allowing the Tindouf population to enjoy the same opportunities as their Western Saharan relatives.

71. Following an objection by **Mr. Rivero Rosario** (Cuba) concerning the mention of his country, which was not a topic on the agenda, the **Chair** urged petitioners to limit themselves to the agenda.

72. **Mr. Abba** (Council member, Laayoune-Saguía el-Hamra region) said that as a democratically elected Saharan, he represented the region comprising the cities of Laayoune, Boujdour, Smara and Tarfaya, in Moroccan Sahara, or the southern provinces. Genuine Saharans had participated massively in the elections in the two regions of Moroccan Sahara. The members of the two regional councils managed their own local affairs and for the period 2015–2021 had a joint budget of 7.7 billion dollars. Under the new development model launched in 2015 in the southern provinces by the King of Morocco, the private sector provided 54 per cent of the budget and the Government 46 per cent. Current projects ranged from economic and industrial development to agriculture and fisheries to health, advanced technology and education to infrastructure, with a huge investment in the building of the first road to link the Sahara with the Atlantic. At the end of their mandate, the Saharan regional councils were accountable to the public and presented a detailed statement of budget expenditures and project assessments. One of the major objectives of his regional council was to double the regional GDP by developing projects and job opportunities and fund-raising to make the Saharan population self-sufficient.

73. As the legal representatives of the local, majority-Saharan population, he and his fellow council members listened and talked to the people, shared their daily concerns and promoted their welfare. They were the legitimate elected representatives of the Saharan people, and no one else could claim to speak for them on the question of Western Sahara.

74. **Ms. Bahaijoub** (Family Protection) said that the question should not be whether Western Sahara was a part of the Kingdom of Morocco but rather why Sahrawis were being sequestered in the Tindouf camps in the south-west of Algeria.

75. There was transparency throughout the whole region governed by Morocco: when criminal offenses were committed, the authorities acted swiftly and appropriately, showing a real determination to improve the rights and welfare of its citizens. Life had improved dramatically for all Moroccans, and notably for women. In Morocco, women were an integral part of institutions, politics and the economy and enjoyed wide-ranging civil rights as well as family rights under the 2004 Moroccan Family Code, the most progressive in the Arab world. They had also taken an active part in self-government under the Moroccan autonomy plan by voting and running for office.

76. On the other hand, the majority of women in the Tindouf camps were disadvantaged and marginalized and denied freedom of movement. Only those closely

connected to leaders of the Frente Polisario were given positions of responsibility and enjoyed privileges such as travel abroad. She had received first-hand reports from women in the camps who had been deprived of their fundamental rights, forced into marriage or subjected to exclusion and sexual aggression. A census was needed as a priority to enable the international community to verify the true number of refugees, identify their needs and protect the vulnerable.

77. **Mr. Laassel** (Morocco) pointed out that some petitioners had defied the Chair's warnings and were waving flags. He asked the Chair to restore order in the conference room and expel the disorderly persons.

78. **The Chair** reminded petitioners that flags were not allowed in the conference room and that speakers should not stray from the topic. Petitioners should respect the rules for attendance at meetings of the Committee. The aim was to avoid any type of dispute at the meeting.

79. **Ms. Hardin** (Priority PR) said that during the Manhasset talks in 2007 and 2008, the media had given a glimpse into the unwillingness of the Frente Polisario to negotiate in good faith. It was an encouraging sign of progress that the Secretary-General intended to relaunch negotiations between Morocco and the Frente Polisario, and there again, fair and neutral press coverage would give the public an understanding of the mentality of the negotiators. Clearly, the question of Western Sahara could not be resolved with hostility or closed minds.

80. Those who had suffered in Western Sahara had been in limbo for 42 years and should be allowed to speak. Those returning from the camps, like those who had been incarcerated, struggled to reintegrate into civil society but often did not know how to do so; and they too should be heard.

81. Having longed for years to see the Western Sahara issue resolved and autonomy endorsed, her public relations firm wished to show the public, through an honest public relations campaign, the attitudes and atmosphere of the eventual talks in order to reveal whether both sides had come in good faith to find a solution.

82. **Ms. Erb** (Oasis Teaching Ministries, Inc.) said that the Frente Polisario might hail the detention in transit ports of phosphate shipments from Western Sahara as a victory, but those who really suffered from such actions were the Sahrawis themselves. In fact, 100 per cent of profits from the sale of phosphates mined in that region were reinvested there and directly benefited the local population through subcontracts with local companies. Furthermore, 76 per cent of the workforce employed in phosphate mining was from the southern region. Confirmation had come from the Danish Foreign Minister who, though his own Government had joined in the boycott, had stated that the import of products from Western Sahara was legal and profited its inhabitants. Furthermore, according to the author Saul Alinski, boycotts weakened free speech and in the long run harmed the people at the bottom of the economic spectrum — those who needed jobs to provide for their families.

83. The real victims of the boycotts routinely conducted by the Frente Polisario were the people who lived and worked in Western Sahara and those living in poverty in the camps, for whom the 16 Sustainable Development Goals were only a dream. The political games should cease and the Moroccan autonomy plan should be endorsed. Families that had been separated for over four decades would thus be reunited.

84. **Ms. Eads** (Capitol Hill Prayer Partners) said that she had urged members of the United States Congress as well as ambassadors and other leaders to become active on behalf of Sahrawi refugees with a view to facilitating their return to their homeland. Many congressional leaders were interested and would follow the action the United Nations would take for both the Western Saharans and the Tindouf refugees.

85. One of the reasons cited for the failure to hold the referendum was the refusal of the host country to allow a census of the population in the camps. She therefore appealed to the Committee to consider the autonomy plan proposed by Morocco, which the Security Council had described as a serious and credible initiative for the resolution of the question of Western Sahara. She assured them of her prayers and support as they carefully weighed the options and sought to reach the right decision.

86. **Ms. Huff** (Teach the Children International) said that when the European Anti-Fraud Office had revealed that copious amounts of humanitarian aid were being sold on the black market by and for the benefit of some leaders of the Frente Polisario, she had finally understood why containers of regular and specialized wheelchairs destined for persons with disabilities in the Tindouf camps — for which she herself had spent days searching in vain — had never arrived. The behaviour of the members of the Frente Polisario showed a blatant disregard for the very people in whose name it made political statements to the international community. It showed a lack of judgment in leadership. A child dependent on food coming into the camps might suffer initially from lack of food but might actually starve when the food intended for him was sold elsewhere on the black market. That practice must not be allowed to

continue as it would only encourage other opportunists to take advantage of the very people the Committee was trying to help.

87. **Mr. Huff** (Safety and Security Instructional Services) said that the instability in the Sahel and the Maghreb resulting from the failure to resolve the issue of Western Sahara should be one of the more urgent concerns of all the parties involved. Rogue individuals had free reign in the buffer zone at the edge of the Territory, where neither the Frente Polisario nor the United Nations had the authority to deal with individual perpetrators, who could thus engage unhindered in drug, arms and commodity smuggling and human trafficking. The lawlessness of the area aggravated the general instability. Furthermore, the recent stand-off around Guerguerat between Frente Polisario and Moroccan troops showed how volatile the situation was.

88. Moreover, according to the European Strategic Intelligence and Security Centre, wide open spaces, porous frontiers and lack of cooperation between the States of the region allowed terrorists to operate unchecked. Disaffected persons might not necessarily embrace the ideology of terrorists but were more likely to share short-term objectives that allowed terrorist activity to increase. Indeed, as many as 100 militants from the Frente Polisario were reported to have recently joined terrorist groups operating in the North Africa.

89. The international community could not sit idly by while an international disaster escalated. A peaceful settlement in Western Sahara would create stability and defeat terrorism in the Sahel and the Maghreb. All Sahrawis should return to their homeland under the Moroccan autonomy plan, ready to work for the good of their families and the future of their children by building infrastructure, increasing freedoms and promoting democracy.

90. **Ms. Sams** (Antioch Community Church), commending the United Nations for its leadership in bringing the opposing sides together during years of negotiation and an arduous but ultimately unsuccessful attempt by MINURSO to organize a referendum, said that as it tried a third approach — a political solution based on realism and a spirit of compromise — the Organization must look to the autonomy plan proposed by Morocco and supported by the Security Council as well as by a former Personal Envoy and a former Special Representative of the Secretary-General.

91. The autonomy plan would, for one thing, end the suffering of the Saharan refugees in the Tindouf camps. The young people there had precious few opportunities to obtain a good education and secure a job that could provide sustenance, while the most vulnerable were the children, whose whole future was at stake. The Frente Polisario was holding up the solution, wanting to impose its way without any compromise.

92. **Mr. Arkoukou**, speaking in his personal capacity as a human rights activist in occupied Western Sahara, and reviewing its colonial history, said that the brutal and bloody war against the Sahrawi people sparked by the 1975 Moroccan invasion, during which that country had violated international law repeatedly and committed atrocities, had ended, first, when Morocco had signed an agreement with the Frente Polisario, the legitimate representative of the people of Western Sahara; and, secondly, when Morocco had accepted the United Nations-sponsored peace plan that recognized the right of the people to choose their future freely through a referendum of self-determination. The referendum had been scheduled to be held six months after the entry into force of the 1991 ceasefire. Twenty-five years later, the people of Western Sahara were still waiting for the international community to deliver on their promise.

93. During its decades of occupation, Morocco had continued its systematic human rights violations but had succeeded in hiding them through a ban on national and international independent media and NGOs. In 1991, the demographics of the occupied Territory had started to change dramatically as Moroccan settlers motivated by economic and financial incentives had started another invasion. The Sahrawis, an indigenous people, had become a minority in their own land. He himself had, moreover, witnessed the daily plundering of natural resources. The people of Western Sahara were asking the General Assembly to set a date for the long-overdue referendum and to take immediate steps to stop the theft of resources belonging to them.

94. **Ms. Abu Elula** (Student, Westminster College) said it was shameful that the Committee had been unable to fulfil the simple United Nations promise of a referendum to enable the Sahrawi people to decide between independence and joining the Kingdom of Morocco. Specific action must be taken to help change the lives of the Sahrawis, giving them the right to live free of oppression and dehumanization, and affording access to health care, education and opportunities. The United Nations had been established to unite and protect nations around the world and to uphold international law, not the interests of powerful countries. The Sahrawis, who had seen many referendums on self-determination conducted successfully in other parts of the world, were beginning to wonder whether it was not time to take matters into their own hands. Born a refugee to parents who were themselves born as Palestinian refugees in a camp in Syria, she understood how easy it might be to lose confidence in the United Nations and in

diplomatic efforts and how difficult it was not to seek other solutions. The Committee should make sure that people did not lose faith in it because the legitimacy of the United Nations depended on the belief in its worth.

95. **Mr. Jamison**, speaking in his personal capacity and stressing that he was not a paid lobbyist for either Algeria or the Sahrawi leadership, said that his testimony rested on his experience during five visits to the Sahrawi camps in the Sahara Desert. The hospitality he had received had been overwhelming and he was impressed by the organization and attention to detail reserved for visitors. Within the camps he had been free to visit any tent or home and speak with anyone he wished to find out about their lives, their living conditions and whether they were being held against their will, which they had invariably denied. Moreover, he had been able to express his beliefs freely, including very sensitive issues of his faith, with very senior Muslim leaders. Others might make accusations concerning inappropriate activities in the Sahrawi refugee camps but he believed that if such accusations were true, visits from the outside would not be encouraged.

96. **Mr. Assor** (Surrey Three Faiths Forum) said that, unlike the previous petitioner and despite several requests, he had never been invited to the camps. The latter were in fact no better than prison camps and the situation was worsening day by day. Added to the pilfering of aid were the problems of prostitution and the use of young detainees as drug mules. Even more disquieting was the fact that the camps were becoming fertile ground for recruitment by other terrorists. The camps should be closed and the prisoners allowed to vote with their feet. Morocco was willing to receive them irrespective of their origin. The Committee had left itself open to blame by failing to abolish the camps. Furthermore, the threat of destabilization was growing and everyone in the region was threatened. In the current era it was not easy to deceive, mislead or misinform. The Saharans should be given hope to look forward to a better future in their homeland and the right to choose. They should be set free.

97. **Mr. Aljabari** (Palestinian-Moroccan Friendship Society) said that Morocco, seeking a solution by consensus through diplomatic means, had made an autonomy proposal to resolve the artificial conflict of Western Sahara and promote development in its southern provinces. He commended Morocco on its economic revival and its strategic partnerships with African countries. The return of Morocco to the African Union had caused fear in some quarters because of the country's strategic, spiritual and economic weight. Morocco was a geostrategic force against human trafficking and terrorism in the north of the Sahara, even as serious problems, especially in Libya and the Sahel, threatened the stability of the region as a whole. Reaching a negotiated settlement would reduce terrorism. Morocco was committed to ridding its Sahara region of terrorist groups and human traffickers. It was hoped that the Committee could help reach a political solution to restore general peace and security to the region and eradicate terrorism.

98. A responsible solution must be a negotiated one that addressed human rights. Hundreds of thousands of Moroccans were confined to the Tindouf camps against their will. The exact number of inhabitants must be determined so that the humanitarian aid intended for them would no longer be stolen. The question of Western Sahara was not one of colonialism but of the reunification of Moroccan territories. The territorial integrity of Morocco was non-negotiable.

99. **Mr. Nguyen** Manh-Hung (Institute for Africa and Middle East Studies, Viet Nam) said, as a researcher familiar with the issue and the Territory, that he believed that autonomy for Western Sahara was currently the only feasible political solution. Offering a compromise between the two opposing views that had resulted in stalemate in the past, autonomy would bring order and justice by preserving the territorial integrity of the Kingdom of Morocco while accommodating the right of the Sahrawi people to their homeland. The Security Council's repeated calls for a solution based on realism and a spirit of compromise would be met. Far from being an imposed solution, autonomy — a common, modern conflict-resolution practice — would be negotiated between the parties. Most important, it promised a better future for the Sahara region and its people that would be consistent with peace, development and political integration. The agenda of the Government of Morocco envisaged an acceleration of development in the Sahara region. Medical, educational and cultural projects were planned which would spur local development. Politically, the Government had indicated its will for harmonization and integration, and in fact during the 2015 elections two Sahrawis had been elected as presidents of the two regional councils of the Sahara region.

100. The parties to the Western Sahara dispute had to change their mindset and think seriously about autonomy as a solution that met the highest interests, not of any political groups, but of the Sahrawi people, many of whom had been living too long as refugees in destitute conditions.

101. **Mr. Paciencia** (Youth Movement) said that the issue was the complete restoration of the territorial

integrity of Morocco. Morocco had had the misfortune of being colonized by two Powers. Not having been able to rid itself of both at the same time, it had thus been obliged to negotiate and recover its territories in two stages: in 1952–1953 and in 1975.

102. The so-called Territory of Western Sahara was no different from the other regions of Morocco. Berbers, Arabs, descendants of Andalusia and others all formed a single people who had established themselves from the southern Atlantic coast to the Mediterranean Sea and the edges of the desert. The Saharan region, where several of its dynasties had originated, could not be detached from Morocco. It shared the same Moroccan history, the same Berber and Arab ethnicity, its people spoke the same languages and practised the same Muslim rites. The true history of Morocco and its southern borders was not to be found in political propaganda sites or in those of NGOs eager to espouse any third-world secessionist cause. The international community was faced with two options: that of splitting Morocco up or respecting its territorial integrity and appealing to the parties to adopt a compromise solution, which Morocco had so generously proposed instead of pressing for simple integration. The autonomy plan was the best strategy for resolving a dispute that had dragged on for too long.

The meeting rose at 6 p.m.